

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KISHORE NAIK, et al., :  
:  
Plaintiffs, :  
: 19-CV-5025 (JMF)  
-v- :  
:  
SWAGAT RESTAURANT, INC., et al., :  
:  
Defendants. :  
:  
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ORDER

JESSE M. FURMAN, United States District Judge:

On November 30, 2020, Plaintiffs filed a motion for preliminary approval of a class and collective action settlement. *See* ECF No. 75. The motion was accompanied by a memorandum of law, ECF No. 76, and a proposed settlement agreement, ECF No. 77-1. The proposed settlement agreement contemplates the creation of a settlement fund with funds to be distributed to participating class members. *Id.* ¶¶ 23-30. The procedure for such distributions, however, is not clearly explained in either the proposed settlement agreement or the memorandum of law.

*See id.* ¶ 29; ECF No. 76, at 5-6.

Accordingly, the parties are hereby ORDERED to appear for a conference on **December 7, 2020, at 3:00 p.m.** to discuss the proposed procedure for distributions from the settlement fund. Counsel should also be prepared to address: (1) whether some form of electronic notice (by email or text) should be required; and (2) whether the notice should be revised to make clearer that FLSA claims would be released only if a person submits a consent form, while all state-law claims would be released unless a person opts out of the class.

The conference will be held remotely by telephone in accordance with Rule 2(A) of the

Court's Emergency Individual Rules and Practices in Light of COVID-19, available at <https://nysd.uscourts.gov/hon-jesse-m-furman>. The parties should join the conference by calling the Court's dedicated conference line at (888) 363-4749 and using access code 542-1540, followed by the pound (#) key. (Members of the public and press may also attend using the same dial-in information; they will not be allowed to speak during the conference.)

As stated in Rule 2(C)(ii) of the Court's Emergency Individual Rules and Practices in Light of COVID-19, **no later than 24 hours before the conference**, the parties shall email the Court a list of counsel who may speak during the teleconference and the telephone numbers from which counsel expect to join the call. More broadly, counsel should review and comply with the rules and guidance regarding teleconferences set forth in the Court's Emergency Individual Rules and Practices in Light of COVID-19.

SO ORDERED.

Dated: December 2, 2020  
New York, New York



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JESSE M. FURMAN  
United States District Judge